

IN THE UNITED STATES DISTRICT COURT FOR THE

WESTERN DISTRICT OF VIRGINIA

Charlottesville Division

Elizabeth Sines, et al

Plaintiffs

v

Jason Kessler, et al

Defendants

Case No: 3:17-cv-072-NKM

SECOND SWORN DECLARATION OF CHRISTOPHER CANTWELL AS TO  
EXTENSION OF TIME  
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I, Christopher Cantwell, do hereby aver under penalty of perjury this 21st day of September, 2021, that the following is true and correct:

- 1) I am over the age of 18 and have personal knowledge of the following.
- 2) This case was filed about October or 2017. By November of 2017, I had retained ~~Christopher~~ *James* Kolenich and Elmer Woodard to represent me.
- 3) About June 2019, I learned that I had been abandoned as a client by Woodard and Kolenich when I discovered that they had failed to respond to meritless allegations that I had "threatened" Plaintiff's counsel.
- 4) About June 2019, Kolenich and Woodard moved to withdraw their representation, and, in August 2019, this motion was granted.
- 5) At the time that Kolenich and Woodard withdrew they neither transferred any discovery to me nor notified me of any discovery in their possession.

- 6) On January 23, 2020, I was arrested and detained by the US Marshals Service ("USMS") at the Strafford Department of Corrections in Dover, New Hampshire. Plaintiffs were timely noted of my change of address and I have remained in federal custody since that time.
- 7) Not until January 2021 did I receive from any of the Plaintiffs discovery or notice of most of the filings they made during the entire year of 2021. That month, I received from one of Plaintiff's counsels a thumb drive consisting of 128 files, including multiple notices of depositions that had been conducted months earlier and documents related to their Response to the League of the South defendants Motion for Summary Judgment.
- 8) While at the Strafford Department of Corrections I had ~~no~~ more than one hour a day during which I could view files released by the Plaintiffs electronically. *face N*
- 9) Between April 6 and April 13, 2021, I received a hard drive from the Plaintiffs containing over 400 files of discovery and previous filings.
- 10) On April 28, 2021, the USMS physically took the thumb drive and hard drive of para 7 and 9, supra, from me and compelled me to mail them to a third party.
- 11) I was transferred April 28, 2021 to April 30, 2021, to the Corrections Corporation of America ("CCA") facility in Tallahatchee, Mississippi.
- 12) CCA-Tallahatchee would not permit me to possess the thumb drive or hard drive of para 7 and 9, supra.
- 13) On June 2, 2021, I was transferred to USP-Marion.

- 14) I was given access to the ~~19872~~ drive and hard drive of para 7 and 9, supra, at USP-Marion on about September 15, 2021.
- 15) On about September 15, 2021, I also received from the Plaintiffs a third drive containing previously released but unserved discovery and legal filings.
- 16) Because of a technical problem, I cannot read the drive of para 15, supra.
- 17) At this time, I have been unable to prepare for trial in this matter or conduct discovery because of the Plaintiff's failure to serve discovery and their legal filings upon me and because of the United States' limitation of access to such materials.

Having so averred, I sayeth no more under oath.

  
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Christopher Cantwell